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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,025	09/27/2001	Robert J. Tait	4402-002	2637

7590 04/13/2004

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270 Madison Avenue
New York, NY 10016-0601

EXAMINER

KINDRED, ALFORD W

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,025

Applicant(s)

TAIT ET AL.

Examiner

Alford W. Kindred

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: amendment A, on 01/26/04.

This action is made final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis et al., US# 6,578,013 B1.

As per claim 1, ***Davis et al.*** teaches creating and modifying data relating to components specific to that supplier . . .” (see col. 2, lines 41-66) “creating and modifying a plurality of component groups . . . compatibility groups independently . . .” (see col. 7, lines 46-66, whereas Davis’s “supplier administrator”, which includes modifying component groups independently, as illustrated in applicant’s claim language) “receiving product identifiers created by an external source and assigning each product identifier to a compatibility group . . . products with similar compatibilities . . .” (see col. 9, lines 7-34, whereas Davis teaches product comparison as claimed in the applicant’s

claim language) "providing a search tool whereby said database is queried by product identifier . . ." (see col. 9, lines 60-67).

As per claim 2, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

-- ***Davis et al.*** teaches "said suppliers exporting said data portion as modified to said administrator, consolidating said data portions received from said suppliers into said database" (see col. 7, 20-45, whereas Davis' "tracking process . . ." combined with the customer database reads on applicant's claim language).

As per claim 3, ***Davis et al.*** teaches "assigning the product to an existing compatibility group . . . to an unassigned compatibility group" (see col. 6, lines 19-55, whereas Davis' supplier administrator and supplier database, update process, reads on applicant's claim language).

As per claim 4-5, these claims are rejected on grounds corresponding to the arguments given above for rejected claim 1-2 and are similarly rejected.

As per claim 6, this claim is rejected on grounds corresponding to the arguments given to rejected claims 1 and 2 and are similarly rejected including the following:

■ ***Davis et al.*** teaches "multiple supplier interfaces each allowing access to a part of the data relating to the components of the respective supplier . . ." (see col. 10, lines 49-60).

As per claims 7-9, ***Davis et al.*** teaches "components are vehicle components

and said product identifiers are vehicle details . . .” (see col. 10, 49-64 whereas Davis’ suppliers and products, includes vehicle items as claimed in applicant’s claim language).

Response to Arguments

4. Applicant's arguments filed 1/26/04 have been fully considered but they are not persuasive.

--As per applicant’s argument regarding “Davis et al. is silent on how the supplier administrator determines whether or not such a new item is suitable for compatible installation . . .”, examiner maintains that Davis’ compatibility element in regards of the configuration of a computer systems, is illustrative of an administrator determining the suitability of an item in a manner claimed by the applicant.

--As per applicant’s arguments regarding “Examiner has attempted to equate suppliers/manufacturers claimed by Applicants with the customer database in Davis . . . improper because no prior art reference has been cited . . .”, examiner maintains that Davis’ customer database is equivalent to the function perform by applicant’s supplier/manufactures (i.e. assigning of identifiers to elements or products in a controlled environment via matching identifiers with products or elements for distribution purposes) in this case Davis’ customer database can be used in a fashion exhibited by applicant’s claim language.

Conclusion

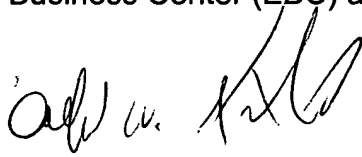
5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 703-305-3802. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alford W. Kindred
Patent Examiner
Tech Ctr. 2100